

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VINTON FROST,  
Plaintiff,

v.

UNITED STATES OF AMERICA,  
Defendant.

Case No. 19-cv-05365-JD

**ORDER RE COMPLAINT, IFP  
APPLICATION AND CASE  
MANAGEMENT CONFERENCE**

Re: Dkt. Nos. 3, 6

Pro se plaintiff Vinton Frost filed an initial and amended complaint alleging that the United States Department of Justice and the United States Attorney for the Northern District of California improperly withheld and misclassified documents in response to FOIA requests. Dkt. No. 6. Frost also applied to proceed in forma pauperis (“IFP”) for this lawsuit. Dkt. No. 3.

Frost is a frequent pro se litigant in our district. His recent actions include *Frost v. Steyer*, 16-cv-05883-RS (N.D. Cal. Oct. 11, 2016); *Frost v. Pinkus*, 17-cv-01308-WHA (N.D. Cal. Mar. 10, 2017); *Frost v. Wilkinson*, 17-cv-01587-LB (N.D. Cal. Mar. 23, 2017); *Frost v. United States Department of Justice*, 17-cv-01240-JCS (N.D. Cal. Mar. 9, 2017); and *Frost v. Texas Pacific Group*, 18-cv-04956-EMC (N.D. Cal. Aug. 15, 2018). All of these cases have been dismissed. Frost appealed three of the dismissals; two were resolved against him, and one is pending.

All of these cases are mentioned in the amended complaint, and it is not at all clear to the Court what Frost is seeking to do here. The request for injunctive relief suggests he would like the Court to intervene in or reconsider the prior cases. That request is not tenable. The Court does not sit in review of sister trial courts. *See Robertson v. Honn*, No. 17-CV-01724-JD, 2018 WL 2010988, at \*2 (N.D. Cal. Apr. 30, 2018), *aff’d*, 781 F. App’x 640 (9th Cir. 2019). It is also not evident from the amended complaint that Frost has raised anything new or different from his prior

1 cases. As the amended complaint currently stands, it appears he may be repeating claims  
2 addressed in the other actions.

3 Consequently, in light of the infirmities in the complaint, IFP status is declined and the  
4 amended complaint is dismissed. 28 U.S.C. § 1915(e)(2)(B); *Denton v. Hernandez*, 504 U.S. 25,  
5 32-33 (1992). Frost has asked for leave to file a second amended complaint. Dkt. No. 7. That is  
6 granted but the next complaint may not add any new claims or parties, and must state facts  
7 explaining how this case is materially different from the other cases Frost has filed in this district.  
8 The amended complaint must be filed by December 16, 2019. Frost is advised that a failure to file  
9 by that date, or to file a complaint that is not consistent with this order, will result in dismissal  
10 with prejudice under Federal Rule of Civil Procedure 41(b).

11 The case management conference scheduled for December 5, 2019, is vacated. The  
12 motion in Docket No. 7 is terminated in all respects.

13 **IT IS SO ORDERED.**

14 Dated: November 25, 2019

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19 JAMES DONATO  
20 United States District Judge  
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Case No. [19-cv-05365-JD](#)

**CERTIFICATE OF SERVICE**

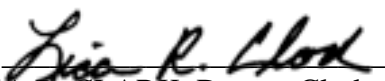
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 25, 2019, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Vinton Frost  
General Delivery  
San Francisco, CA 94102

Dated: November 25, 2019

Susan Y. Soong  
Clerk, United States District Court

By:   
LISA R. CLARK, Deputy Clerk to the  
Honorable JAMES DONATO